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 6 and DISABILITY RIGHTS ENFORCEMENT,
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 KITTY CONE, an individual; and)
 DISABILITY RIGHTS)
 11 ENFORCEMENT, EDUCATION)
 SERVICES:HELPING YOU HELP)
 12 OTHERS, a California public benefit)
 corporation,)
 13 Plaintiffs,)
 14 v.)
 15 DRY CREEK INN LTD.)
 16 PARTNERSHIP, a California limited)
 partnership,)
 17 Defendant.)
 18

CASE NO. C04-1725 JSW

**STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER THEREON**

19 The parties, by and through their respective counsel, stipulate to dismissal of this action
 20 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1) to be effective on April 18,
 21 2005, unless one of the parties files a Notice with the Court that the memorialization of the
 22 parties' settlement has not been fully executed on or before that date. Outside of the terms of
 23 the parties' settlement, each party is to bear its own costs and attorneys' fees. The parties
 24 further consent to and request that the Court retain jurisdiction over enforcement of the
 25 Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the
 26 district courts to retain jurisdiction over enforcement of settlement agreements).

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28 STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be deemed dismissed as of April 18, 2005, with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

DATED: April 4, 2005

By: /s/ Jennifer L. Steneberg
Attorneys for Plaintiffs KITTY CONE and
DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU
HELP OTHERS

By: /s/ Terence F. Young
Attorneys for Defendant DRY CREEK INN LTD.
PARTNERSHIP

IT IS HEREBY ORDERED that matter be dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1) effective April 18, 2005. However, such order will stand rescinded and the matter put back on the trial calendar, if either party represents to the Court through formal Notice on or before April 18, 2005, that full execution of the Mutual Settlement Agreement and Release has not been accomplished. IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

Hon. Jeffrey S. Whyte
United States District Court Judge